CERTIFICATE OF SERVICE

I hereby certify that on 12/03/2021 the foregoing documents (updated)**Affidavit of the Living Status Official Notice of Status, Officer Complaint, Deprivation of Rights, Fraud & Non-Assumptive To be Filed & Recorded. Writ and Notice of by Mail Special Appearance,**(updated) **Bill Of Particulars Nature and cause of Accusations , Reservation Of Rights,(updated) Conditional Acceptance of Council and potential lack of ability to proceed with "trial "without assistance of council ,(updated)Objection to any Plea** was handed to the court clerk located (UNITED STATES DISTRIC COURT,EASTERN DISTRIC OF MISSOURI,111 South 10th. St. ,St. Louis Mo.63102), was recorded , filed stamped and dated into the record for the alleged Defendant for both cases 4:21CR00259RLW/SRW-1 and 4:21CR00259RLW/SRW for the date of 12/03/2021 the date received.

Xaiviar Brown date: 12/3/2021

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Petitioner in Propria Persona

file #99709-00-12-3-21 Date 12/3/2021

To: ***UNITED STATES DISTRIC COURT***
EASTERN DISTRIC OF MISSOURI
EASTERN DISTRIC

"UNITED STATES OF AMERICA"	
vs.	4:21CR00259RLW/SRW-1
	4:21CR00259RLW/SRW
XAVIER BROWN	
Petitioner	(updated)***Notice of Objection to entry of any plea***

Comes now Petitioner Xaiviar Brown, appearing specially, ***in propria persona sui juris***, to advise the "court" that he stridently objects to the entry of ***ANY*** plea to the alleged charges in the instant case, most particularly, but not limited to, the entry of such plea, even ***NOT*** guilty, by a 'state' ***BAR ASS***ociation attorney which Petitioner is being effectively threatened to 'accept'.

Indeed, study of this situation has resulted in Petitioner taking the position that the entry of plea by an attorney, in a "court" which does ***NOT*** have and ***CANNOT*** acquire jurisdiction is, ***quod erat demonstrandum***, ***ineffective*** assistance of counsel, assuming

arguendo that there exists such a "rights", which is also vigorously denied as set forth in pleadings earlier filed in the instant case, and thus grounds for either a sua sponte dismissal of the case for want of jurisdiction and/or grounds for a summary reversal on appeal.

The "court" is reminded that Petitioner's ***timely*** filed demand for a ***Bill of Particulars*** with the de facto prosecutor was ***not even acknowledged***, let alone answered[1], this notwithstanding the fact that a de facto prosecutor has sworn an oath to "support ***this*** Constitution" and, by ***reasonable*** inference, laws enacted ***in pursuance thereof***, and that there is ***no reasonable*** expectation that any reply will be made to any Subpoena filed by Petitioner in the instant case.

In addition, Petitioner, one who does ***NOT*** "owe" his Citizenship to Section 1 of the ***NON***-existent 14th ***war*** "amendment" (***NEFWA***), vigorously denies that there is ***any*** factual foundation or legal basis in existence which would support a finding of ***ANY*** agency relationship with a "judge" and/or a Traffic Commissar which permit the entry of a not guilty plea "***FOR***" Petitioner, especially after he has invoked his right to stand mute to the charges and contest jurisdiction which the de facto prosecutor has the burden to prove (see e.g. ***In Re Winship 397 US 358; Hagans v Levine 415 US 528***), and the general maxim that one who alleges jurisdiction must prove it (***Sowell v Fed. Reserve Bank 268 US 449***).

To be sure, there is statutory authority in California which appears to 'permit' the entry of a not guilty plea, Section 1024 of the Penal Code, but in addition to the plethora of issues pursuant to the lack of quorum of the California ***territorial*** legislature to enact such a law, in the instant case, as applied, it is a ***clear*** and ***unambiguous*** Bill of Attainder and thus in violation of ***at least Article I, Section 16*** of the ***California Constitution (1849)*** and/or ***Article I, Section 9*** or ***10***, as the case may be, of the

Constitution of the united States {1787-1791}.

Petitioner does not understand how a "judge", ***supposedly*** a '***neutral*** fact finder' (***Tumey v Ohio 273 US 510***), has any agency and/or fiduciary relationship to Petitioner which would permit the entry of a "not guilty" plea which leads, almost inevitably, to a ***Directed Verdict of Guilt***, especially when Petitioner's ***clear and unambiguous*** intent is to invoke rights secured by the Constitution, which an ***unchallenged*** entry of a plea might well foreclose (see e.g. ***Crain v US 162 US 625***, noting an excerpt, cited with approval, from ***People v Corbett 28 Cal. 328***; ***US v Lloyd 23 Fed. 2nd 858***).

It should be carefully borne in mind that while the entry of any statutory plea is what 'permits' a "court" to assume jurisdiction of a given case, the supreme Court of the united States has stated, in ***Cohens v Virginia 19 US 264***, that:

> "***It is most true that this Court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given. The one or the other would be treason to the Constitution.***"

The entry of a plea, ***if unchallenged***, runs the unknown, and ***unknowable*** risk, of incurring ***ALL*** of the following ***irreparable*** damages to the Accused (***NOT*** (!) a complete list):

1. A denial of the 'right' to (***effective*** ?) assistance of counsel, which the Accused ***would very much like to have***, but which he is denied for the reasons stated in the Petitioner's Conditional Acceptance of Counsel on file in the instant case and incorporated by reference as though fully set forth herein, with the particular objection that the acceptance of counsel and his appearance is a ***GENERAL*** appearance and thus a 'stipulation' to the jurisdiction being challenged;

2. The use of an attorney would all but guarantee that the Accused had a "fair trial"

/aka/ ***Directed Verdict of Guilt***, and reduce the denial of any and all ***Rights secured by the Constitution*** to, for all ***apparent*** intents and purposes, "harmless errors" for appellate purposes (see e.g. Article VI, Section 13 of the bastardized version of the California constitution allegedly currently in effect;

3. Of course the above situation may be all but moot since the supreme Court has held that there is ***NO*** right to an appeal in ***ANY*** 'criminal' case (***McKane v Durston 153 US 684***);

4. Likewise the Court has held that there is ***NO*** right to trial by Jury in ***at least*** a 'criminal' misdemeanor case (***Blanton v Las Vegas 489 US 538***), and perhaps not in a ***Capital*** case, either (***Brown v Mississippi 297 US 278; Snyder v Massachusetts 291 US 97***), although to be sure, this question has ***not*** been 'squarely' before the Court;

5. That there is ***NO*** right to the issuance of a statutory Writ of Habeas Corpus (28 USC 2254 et seq.) with ***ACTUAL*** (!?) innocence ***NOT*** providing grounds for its issuance (***Coleman v Thompson 501 US 722; Mooney v Holohan 294 US 103, McCleskey v Zant 499 US 267***);

Add to this that FACT that the Accused has NO idea of ***exactly*** where he is and ***WHY***[1], this in what ***seems*** to be a judicial Court, yet the opinion of the Court in ***State v Hopkins 327 Pac. 2nd 784*** has come to his attention, with the following excerpts raising a spectrum of ***VERY*** troubling ***structural, jurisdictional***, Constitution issues, to wit:

> "The defendant (respondent) has filed a petition for a rehearing which ***does not challenge our holding*** that, since the enactment of Oregon Laws 1951, ch 582, ***the county judge of Jackson county no longer possesses any judicial power and the county court over which he presides no longer performs any judicial function***. The 1951 act and the legislation supplementary thereto which is cited in our previous opinion were enacted pursuant to Constitution of Oregon, Art VII (amended), § 1. ***Likewise, the petition for a rehearing says <u>nothing adverse</u> to our conclusion that since 1951 the county judge of Jackson county has possessed no powers except those which are <u>purely administrative</u> and which are employed in the***

transaction of county business."

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"For similar reasons it was held that the term of a justice of the peace was six years. *Webster v. Boyer*, 81 Ore. 485, 159 P. 1166; Ann Cas 1918D 988, and *State v. Beveridge*, 88 Ore. 334, 171 P. 1173. In like vein, ***this court ruled that amended Art VII authorized the legislature to abolish the county court or alter its jurisdiction.*** **[***4]** *In re Will of Pittock*, 102 Ore. 159, 199 P. 633, 202 P. 216, 17 ALR 218; *Astoria v. Cornelius*, 119 Ore. 264, 240 **[*677]** P. 233; *Jacobson v. Holt*, 121 Ore. 462, 255 P. 901.

The county court for Jackson county as such has been abolished, and, as we have seen, today possesses no judicial power[5]; therefore, amended Art VII, § 1, no longer confers upon the incumbent a term of six years."

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"Accordingly, when the legislature picked up the gauntlet and enacted the 1951 legislation which deprived the county court of Jackson county of all the judicial powers which original Art VII had conferred upon it and left it with nothing but administrative functions, it cannot be said that the legislature invaded in an unauthorized manner a provision of the constitution.

It will be noticed that **[***7]** the change in the county court wrought by the legislature was ***fundamental***. After the adoption of the 1951 act, the county judge no longer had a six-year term of office, his salary was no longer immune from reduction **[*679]** in amount, ***he no longer performed any judicial work and he no longer possessed any of the powers of a judicial office***.

In determining whether or not the office of county judge of Jackson county was "created" by the legislative assembly, as that word is employed in Art XV, § 2, account must be taken of the purpose of Art XV, § 2, in prohibiting the legislature from interfering with the term of an office designated in the constitution. See, by way of analogy, *State ex rel. Powers v. Welch*, 198 Ore. 670, 259 P.2d 112. Since amended Art VII authorized the legislature to abolish or remake the county court, and the legislative assembly, in embracing that power, ***retained only the name of the body, but changed it from a court to an administrative unit***, we believe that the conclusion is

warranted that so far as Art XV, § 2, is concerned, the legislature created the county court of Jackson county."

We then come to the ***FACT***, which must be true in ***any*** State admitted into "***this Union***", that the ***California Constitution of 1849*** vested the ***judicial*** power of the State in the ***California District Court***, recognized ***contemporaneously*** by the California supreme Court as a ***Constitutional, common law Court***, which almost certainly included the ***concurrent judicial*** power of the united States in an ***Article III*** (circuit) Court – see e.g. ***Claflin v Houseman 93 US 130*** – which is fully consistent with multiple Articles of the ***CuS, conspicuously Article I, Section 10*** and ***Article III, not to mention the 9th & 10th Articles of Amendment.***

Today, however, there is ***NO*** known provision of the CALIFORNIA Constitution ***allegedly*** currently in effect, which vests the ***judicial*** power of the State of California in ANY court, a situation undoubtedly duplicated in other STATE jurisdictions.

This is true in large part pursuant to the "***RAT***ification" of ***NEFWA***, the ***carefully concealed*** intent of which was to make "citizens" out of artificial, corporate entities (see Petitioner's Brief on 14th Amendment).

Accordingly, ***NEFWA*** thus 'created' a new, ***subordinate*** body politic[2], which has '***NO*** Rights which the de facto government is bound to respect' ***AND*** which is the ***ONLY*** recognized "citizenship", a fortiori since "voter" application forms in ***ALL STATES*** today require the victim, er applicant, to declare, ***UNDER PENALTY OF PERJURY*** , that he 'owes' his "birthright citizenship" to ***NEFWA***, which can 'conveniently', not to mention 'appropriately', be summarily terminated by the President, 'courtesy' of an Executive Order as ***Commander-in-Fief, exactly*** as threatened by former President Trump on or about November 1st, 2018.

So much for the ***much ballyhooed*** "democratic elections"[3], not to mention the "***CONSENT of the governed***", assuming arguendo that ***CON***gress has any power at all to provide for elections in ***federal (insular?) territorial possessions*** for President (***Electoral College***, anyone ?), ***VOTING*** members of the House and with united States Senator remaining an appointed office, an integral part of the ***republican*** form of government guaranteed to the States by ***at least Article IV, Section 4***.

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In Propria Persona Sui Juris

Footnotes

1 -- or the ***BoP*** which would have been filed had Petitioner any way to know of the existence of the ***right to known the nature & cause of the accusation(s) and identification of all elements of the 'crime(s)***'and identity of the ***purportedly*** injured party, without which there is ***NO*** way to invoke the ***uncontested Right*** of ***confrontation and cross-examination*** – see ***Winship***, supra, which Petitioner should have known had there been any ***meaningful and substantive*** curricula in the ***mandatory*** public "education" system and/or if Petitioner had ***effective*** assistance of counsel at the "arraignment", if not ***PRIOR*** thereto;

2 -- carefully noting that the C% "voter turnout in the latest 'election' therealifornia supreme Court also ruled ***contemporaneously*** that 'no white person owes their citizenship to the 14th Amendment' (***Van Valkenburg 43 Cal. 43)***

3 -- keeping in mind tat the same "democracy" also exists in ***Pyongyang, North Korea***, albeit with much more 'laudable' results, such that politicos here would envy, what with the 99% "voter" turnout there in the latest 'election', the 'key' here being that ***NOT*** voting there is an act of ***Treason*** likely resulting in ***summary execution***. What's the problem here , Nancy Pelosi ?? Chuck Shumer ?? Mitch McConnell ??, Perhaps you could settle for summary, ex parte 12(b)(6) removals of children from "unfit" ***NON***-voters" and/or ***Unvaccinated*** parents;